



IN THE MATTER of US Patent
Application Number 09/890,064
entitled TRANSFORMATION AND
REGENERATION OF ALLIUM
PLANTS

AND

IN THE MATTER of United States
Patent Application No: 09/890064
made by NEW ZEALAND
INSTITUTE FOR CROP & FOOD
RESEARCH LIMITED

STATUTORY DECLARATION

I, Colin Eady of Southbridge, New Zealand do hereby, solemnly and sincerely declare that:

1. I am one of the inventors of US application number 09/890,064 entitled "Transformation and Regeneration of Allium Plants".
2. THE technique developed to transform onions (*Allium cepa* L.) as described in application US 09/890,064 can be applied to Alliums of other species.
3. I have demonstrated this application of the method in US 09/890,064 to other Allium species including *Allium porrum* (Leek) and *Allium sativum* (garlic). The results have been accepted for publication in Eady C.C.; Davis, S.; Catanach, A.; Kenel, F.; Hunger S (2005). *Agrobacterium tumefaciens*-mediated transformation of leek (*Allium porrum*) and garlic (*Allium sativum*). *Plant Cell Reports (In press)*. A copy of the citation is attached as Annex A.
4. I submit that anyone skilled in the art, reading the disclosure of US 09/890,064 would readily be able to apply the techniques described in the application to other Allium species including leek and garlic without further inventiveness.

5. THE publication referred to under paragraph 3 is, I submit, evidence that the technique described in the present application can be applied to other species of *Allium* and that therefore the description of US 09/890,064 in enabling for other species of *Allium*.

AND I MAKE THIS solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

DECLARED at Christchurch
this 23 day of March
2005

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Colin Eady

Colin Eady

BEFORE ME

Kris David Morrison

Solicitor/Justice of the Peace/Notary Public/Commissioner of Oaths

KRIS DAVID MORRISON
SOLICITOR
CHRISTCHURCH
SDEC4286609